

2013 DRAFTING REQUEST

Bill

Received:	9/12/2012	Received By:	gmalaise
Wanted:	As time permits	Same as LRB:	
For:	Administration-Budget 6-2288	By/Representing:	Major
May Contact:		Drafter:	gmalaise
Subject:	Children - child welfare Children - day care Children - out-of-home placement	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**

Requester's email:

Carbon copy (CC) to:

Pre Topic:

DOA:.....Major, BB0185 -

Topic:

Criminal background checks

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	gmalaise 10/17/2012	kfollett 10/2/2012	jfrantze 10/2/2012	_____	sbasford 10/2/2012		State S&L
/1	gmalaise 11/15/2012	kfollett 10/18/2012	jmurphy 10/18/2012	_____	sbasford 10/18/2012		State S&L
/2	gmalaise 1/28/2013	kfollett 11/15/2012	jfrantze 11/15/2012	_____	mbarman 11/15/2012		State S&L
/3	gmalaise	kfollett	jfrantze	_____	mbarman		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	1/30/2013	1/29/2013	1/29/2013	_____	1/29/2013		S&L
/4		kfollett 1/31/2013	jfrantze 1/31/2013	_____ _____	sbasford 1/31/2013		State S&L

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/1	gmalaise 11/15/2012	kfollett 10/18/2012	jmurphy 10/18/2012	_____	sbasford 10/18/2012		State S&L
/2	gmalaise 1/28/2013	kfollett 11/15/2012	jfrantze 11/15/2012	_____	mbarman 11/15/2012		State S&L
/3		kfollett	jfrantze	_____	mbarman		State

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		1/29/2013	1/29/2013	_____	1/29/2013		S&L

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Children - day care Extra Copies:
Children - out-of-home placement

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/2		kfollett 11/15/2012	jfrantze 11/15/2012	_____	mbarman 11/15/2012		State S&L

13/5f
1/29
1/29
Rg 1/29

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Topic:

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/1		kfollett 10/18/2012	10/18/2012	_____	sbasford 10/18/2012		State S&L

FE Sent For:

12/5f
11/15

12/5f
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ph
11/15

<END>

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		Extra Copies:	

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/P1	gmalaise	kfollett 10/2/2012	10/2/2012	<u>DM 10/18</u>	sbasford 10/2/2012		State S&L

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: **9/12/2012** Received By: **gmalaise**
Wanted: **As time permits** Companion to LRB:
For: **Children and Families 1-4349** By/Representing: **Bob Nikolay**
May Contact: Drafter: **gmalaise**
Subject: **Children - child welfare** Addl. Drafters:
Children - day care Extra Copies:
Children - out-of-home placement

Submit via email: **YES**
Requester's email: **robert.nikolay@wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Criminal background checks

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	gmalaise	kfollett	10/2/2012	_____	sbasford		State
	9/25/2012	10/2/2012		_____	10/2/2012		S&L

FE Sent For:

<END>

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Wanted:	As time permits	Companion to LRB:	
For:	Children and Families 1-4349	By/Representing:	Bob Nikolay
May Contact:		Drafter:	gmalaise
Subject:	Children - child welfare Children - day care Children - out-of-home placement	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**
 Requester's email: **robert.nikolay@wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Criminal background checks

Instructions:

See attached

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/P1	gmalaise	1P1/f 10/2		9/10/12 RS			

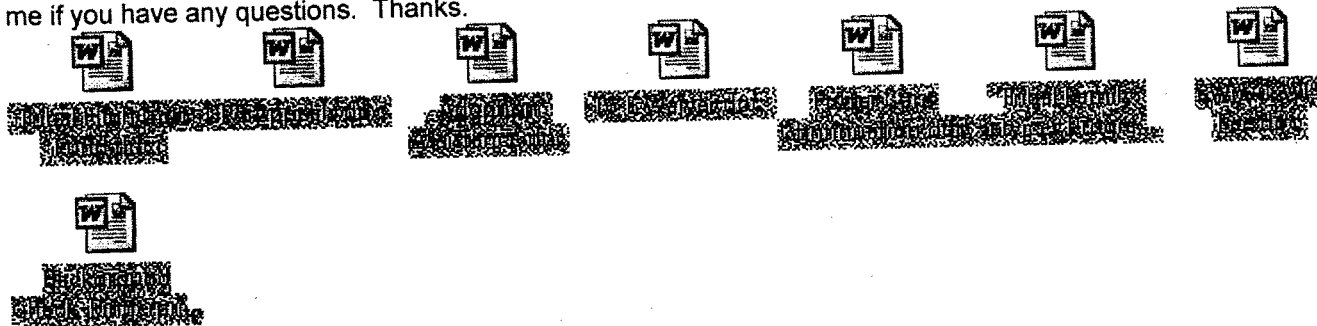
FE Sent For:

<END>

Malaise, Gordon

From: Nikolay, Robert A - DCF <Robert.Nikolay@wisconsin.gov>
Sent: Wednesday, September 12, 2012 12:22 PM
To: Malaise, Gordon
Cc: Hanaman, Cathlene
Subject: FW: 2013-15 Biennial Budget Drafting Requests for DCF

Gordon,
Attached are biennial budget drafting requests related to Chapter 48 and Chapter 20 Program 1 in DCF. Please contact me if you have any questions. Thanks.



Bob Nikolay
Budget Director
Wisconsin Department of Children & Families
(608) 261-4349

**Department of Children and Families
2013-15 Biennial Budget
Statutory Language Request**

Topic: Criminal History Background Checks

Current Language:

Under current law, criminal background checks using the Department of Justice database are required every three months for licensed and certified child care providers. For licensed providers, these checks are done in addition to the monthly criminal checks done by DCF staff

In addition, background information disclosure (BID) forms are required for persons who apply to operate a child welfare or child care facility (for an initial application, or an application for continuation or renewal of a license). These forms must also be completed and sent in to DCF or the certifying agency whenever certain changes occur relating to the safety of children, such as police contact with a provider, a non-client resident, or an employee.

Current law allows for the fingerprinting of child care providers if, upon their application to licensed or certified, they live out of state if they have lived out of state at any time in the past three years. Non-client residents and employees of childcare providers are not subject to the fingerprinting requirements.

Proposed Change:

1. Amend s. 48.685(3)(am)1 to read require background checks every year instead of every 3 months.
2. Modify s. 48.685(6)(a) to require DCF and certifying agencies to collect an initial BID form from a provider when they apply to be licensed or certified.
3. Modify s. 48.685(2)(bm) to include a provision for a one-time fingerprinting of Shares providers, their employees, and their non-client residents upon initial license or certification application or upon their renewal date if they are a current Shares provider. Include fingerprinting fees in the list of items in s. 48.685(8) for which the Department can charge a fee.

Justification:

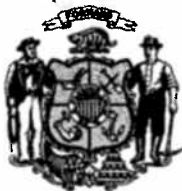
1. The background check information that is collected every three months through the Department of Justice is useful because it allows DCF to view any transgressions that occurred in the distant past, but once a provider becomes licensed or certified and is in the DCF system, it is redundant to look at the same DOJ information every three months. Under this change, DCF would still be checking the DOJ information at least once annually for providers, but under current practice, DCF utilizes the CCAP and WISACWIS databases to check the backgrounds of licensed providers monthly. Furthermore, each time a provider is searched through the DOJ system (currently every three months) they are charged \$10 per person. This is redundant and therefore presents an unnecessary burden on child care providers.

2. Modifying 48.685(6)(a) will allow DCF and certifying agencies to only collect an initial BID form from a provider when they apply to be licensed or certified and will eliminate the need for providers to submit new BID forms in the future unless there is a change in the status of either themselves, non-client resident, or their employee.

3. In section 1335d of the Governor's veto message from the 2011-2013 biennial budget, the governor directed DCF to amend administrative rules to require certified and licensed child care providers to be fingerprinted if they wish to participate in the Wisconsin Shares program. Current statute only allows fingerprinting for child care provider applicants that live out of state or have lived out of state in the recent past. The modification specified above would require all adult future Shares providers, non-client residents, and employees, to submit fingerprints at the time of the provider's application for a license or certification. Furthermore, it should require that all current adult Shares providers, non-client residents, and employees submit fingerprints at the time of their license or certification renewal. The Department should be able to recover the cost of these fingerprints as is current practice for other background check information.

Desired Effective Date: Upon enactment

Agency Contact: Bob Nikolay
261-4349



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0072/P1

GMM...

SN 9/25

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Don't Gen

1 **AN ACT ...; relating to: the budget.**

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Current law requires a person who has, or is seeking, a license to operate a child care center, certification as a child care provider for purposes of reimbursement under the Wisconsin Works child care subsidy program (Wisconsin Shares), or a contract with a school board to operate a child care program (collectively, "child care provider") to undergo a criminal history and child abuse background investigation (background investigation) every three months. Current law similarly requires a caregiver or nonclient resident of a child care provider to undergo a background investigation every year. This bill requires a child care provider to undergo a background investigation every year rather than every three months.

Current law permits DCF, a county department of human services or social services, an agency contracted to certify child care providers for purposes of Wisconsin Shares, or a school board (collectively, "licensing, certifying, or contracting agency") to require a person who is the subject of a background investigation to be fingerprinted if the person is not a resident of this state or has not been a resident of this state at any time within the three years preceding the date of the investigation. This bill requires a licensing, certifying, or contracting agency to fingerprint a child care provider or an adult nonclient resident or caregiver of a child care provider if the child care provider is receiving, or wishes to receive, reimbursement under Wisconsin Shares, unless the person has previously been fingerprinted as required under the bill.

Current law requires a person who applies for issuance, renewal, or continuation of a license to operate any entity that provides care for children, who applies for certification as a child care provider for purposes of Wisconsin Shares or for renewal of such a certification, or who proposes to contract with a school board to operate a child care program or to renew such a contract to complete a background information form that is provided by DCF. This bill eliminates the requirement that a background information form be completed when a person applies for renewal or continuation of a license to operate an entity that provides care for children, renewal of a certification as a child care provider for purposes of Wisconsin Shares, or renewal of a contract with a school board to operate a child care program. Accordingly, under the bill a background information form must be completed only upon initial licensure, certification, or contracting.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

~~SECTION 1.~~ 48.685 (2) (br) of the statutes is created to read:

48.685 (2) (br) If the person who is the subject of a search under par. (am) or (b) 1. has, or is seeking, a license to operate a child care center under s. 48.65, certification as a child care provider under s. 48.651, or a contract under s. 120.13 (14) to operate a child care program, or is an adult nonclient resident or caregiver of such an entity, and if the entity is receiving, or wishes to receive, reimbursement under s. 49.155 for providing child care services, the department, county department, agency contracted with under s. 48.651 (2), or school board shall require the person to be fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints, unless the person has previously been fingerprinted under this paragraph. The department of justice may provide for the submission of the fingerprint cards to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining records of his or her criminal arrests and convictions.

2
1 SECTION 1. 48.685 (3) (am) 1. of the statutes is amended to read:

2 48.685 (3) (am) 1. Every 3 months year or at any time within that period that
3 the department, a county department, an agency contracted with under s. 48.651 (2),
4 or a school board considers appropriate, the department, county department,
5 contracted agency, or school board shall request the information specified in sub. (2)
6 (am) 1. to 5. and (ar) for all caregivers specified in sub. (1) (ag) 1. b. who are licensed
7 under s. 48.65 to operate a child care center, certified as a child care provider under
8 s. 48.651, or contracted under s. 120.13 (14) to operate a child care center for all
9 person who are nonclient residents of such a caregiver, and for all persons under 18
10 years of age, but not under 12 years of age, who are caregivers specified in sub. (1)
11 (ag) 1. a. of such a caregiver. Beginning on January 1, 2011, and annually after that,

12 2m. Annually by January 1 the department shall submit a report to the
13 appropriate standing committees of the legislature under s. 13.172 (3) describing the
14 information collected under this subdivision, specifically any information indicating
15 that subd. 1. with respect to a caregiver specified in sub. (1) (ag) 1. b., specifically any
16 information indicating that such a caregiver is ineligible under sub. (4m) (a) to be
17 licensed under s. 48.65 to operate a child care center, certified under s. 48.651 as a
18 child care provider, or contracted under s. 120.13 (14) to operate a child care center,
19 and describing any action taken in response to the receipt of information under this
20 subdivision subd. 1. indicating that such a caregiver is so ineligible.

History: 1997 a. 27, 237, 284; 1999 a. 32, 56, 185, 186; 2001 a. 109; 2003 a. 321; 2005 a. 149, 184, 277; 2007 a. 20 ss. 1346 to 1358, 9121 (6) (a); 2007 a. 97, 111, 116, 130, 153; 2009 a. 28, 76, 94, 185; 2011 a. 32, 35, 87, 258; s. 13.92 (2) (i).

21 SECTION 2. 48.685 (3) (am) 2. of the statutes is repealed.

4
22 SECTION 3. 48.685 (6) (a) of the statutes is amended to read:

23 48.685 (6) (a) The department shall require any person who applies for
24 issuance, continuation, or renewal of a license to operate an entity, the department

1 in a county having a population of 500,000 or more, a county department, or an
2 agency contracted with under s. 48.651 (2) shall require any child care provider who
3 applies for initial certification under s. 48.651 ~~or for renewal of that certification~~, a
4 county department or a child welfare agency shall require any person who applies
5 for issuance ~~or renewal~~ of a license to operate a foster home under s. 48.62, the
6 department in a county having a population of 750,000 or more or a county
7 department shall require any person who applies for subsidized guardianship
8 payments under s. 48.623 (6), and a school board shall require any person who
9 proposes to contract with the school board under s. 120.13 (14) ~~or to renew a contract~~
10 ~~under that subsection~~, to complete a background information form that is provided
11 by the department.

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2003 a. 321; 2005 a. 149, 184, 277; 2007 a. 20 ss. 1346 to 1358, 9121 (6) (a); 2007 a. 97, 111, 116, 130, 153; 2009 a. 28, 76, 94, 185; 2011 a. 32, 35, 87, 258; s. 13.92 (2) (i).

(END)

Malaise, Gordon

From: Hanaman, Cathlene
Sent: Wednesday, October 17, 2012 3:40 PM
To: Malaise, Gordon
Subject: FW: [Possible SPAM] Statutory Language Drafting Request - BB0185

Importance: Low

From: katrina.major@wisconsin.gov [<mailto:katrina.major@wisconsin.gov>]
Sent: Wednesday, October 17, 2012 3:36 PM
To: Hanaman, Cathlene
Cc: Kraus, Jennifer - DOA; Major, Katrina L - DOA; Thornton, Scott - DOA
Subject: [Possible SPAM] Statutory Language Drafting Request - BB0185
Importance: Low

Biennial Budget: 2013-15

DOA Tracking Code: BB0185

Topic: background information

SBO Team: GGCF

SBO Analyst: Major, Katrina L - DOA
Phone: 608-266-2288
E-mail: katrina.major@wisconsin.gov

Agency Acronym: DCF

Agency Number: 437

Priority: Medium

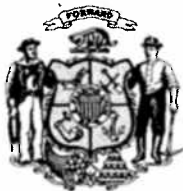
Intent:

background checks, BID forms, fingerprinting

DCF draft number 72

Attachments: False

Please send completed drafts to statlanguage@wisapps.wi.gov



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0072/B1

GMM:kjf:jf

IN 10/17

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

UPS: Fix request
Sheet please

Don't Gen

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Current law permits DCF, a county department of human services or social services, an agency contracted to certify child care providers for purposes of Wisconsin Shares, or a school board (collectively, "licensing, certifying, or contracting agency") to require a person who is the subject of a background investigation to be fingerprinted if the person is not a resident of this state or has not been a resident of this state at any time within the three years preceding the date of the investigation. This bill requires a licensing, certifying, or contracting agency to fingerprint a child care provider or an adult nonclient resident or caregiver of a child care provider if the child care provider is receiving, or wishes to receive, reimbursement under Wisconsin Shares, unless the person has previously been fingerprinted as required under the bill.

Current law requires a person who applies for issuance, renewal, or continuation of a license to operate any entity that provides care for children, who applies for certification as a child care provider for purposes of Wisconsin Shares or for renewal of such a certification, or who proposes to contract with a school board to operate a child care program or to renew such a contract to complete a background information form that is provided by DCF. This bill eliminates the requirement that a background information form be completed when a person applies for renewal or continuation of a license to operate an entity that provides care for children, renewal of a certification as a child care provider for purposes of Wisconsin Shares, or renewal of a contract with a school board to operate a child care program. Accordingly, under the bill a background information form must be completed only upon initial licensure, certification, or contracting.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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2 48.685 (2) (br) If the person who is the subject of a search under par. (am) or
3 (b) 1. has, or is seeking, a license to operate a child care center under s. 48.65,
4 certification as a child care provider under s. 48.651, or a contract under s. 120.13
5 (14) to operate a child care program, or is an adult nonclient resident or caregiver of
6 such an entity, and if the entity is receiving, or wishes to receive, reimbursement
7 under s. 49.155 for providing child care services, the department, county
8 department, agency contracted with under s. 48.651 (2), or school board shall require
9 the person to be fingerprinted on 2 fingerprint cards, each bearing a complete set of
10 the person's fingerprints, unless the person has previously been fingerprinted under
11 this paragraph. The department of justice may provide for the submission of the
12 fingerprint cards to the federal bureau of investigation for the purposes of verifying
13 the identity of the person fingerprinted and obtaining records of his or her criminal
14 arrests and convictions.

1 **SECTION 2.** 48.685 (3) (am) 1. of the statutes is amended to read:

2 48.685 (3) (am) 1. Every ~~3 months~~ year or at any time within that period that
3 the department, a county department, an agency contracted with under s. 48.651 (2),
4 or a school board considers appropriate, the department, county department,
5 contracted agency, or school board shall request the information specified in sub. (2)
6 (am) 1. to 5. and (ar) for all caregivers specified in sub. (1) (ag) 1. b. who are licensed
7 under s. 48.65 to operate a child care center, certified as a child care provider under
8 s. 48.651, or contracted under s. 120.13 (14) to operate a child care center. ~~Beginning~~
9 ~~on January 1, 2011, and annually after that,~~ for all persons who are nonclient
10 residents of such a caregiver, and for all persons under 18 years of age, but not under
11 12 years of age, who are caregivers specified in sub. (1) (ag) 1. a. of such a caregiver.

12 2m. Annually by January 1, the department shall submit a report to the
13 appropriate standing committees of the legislature under s. 13.172 (3) describing the
14 information collected under ~~this subdivision, specifically any information indicating~~
15 ~~that subd. 1. with respect to a caregiver specified in sub. (1) (ag) 1. b., specifically any~~
16 information indicating that such a caregiver is ineligible under sub. (4m) (a) to be
17 licensed under s. 48.65 to operate a child care center, certified under s. 48.651 as a
18 child care provider, or contracted under s. 120.13 (14) to operate a child care center,
19 and describing any action taken in response to the receipt of information under ~~this~~
20 ~~subdivision~~ subd. 1. indicating that such a caregiver is so ineligible.

21 **SECTION 3.** 48.685 (3) (am) 2. of the statutes is repealed.

22 **SECTION 4.** 48.685 (6) (a) of the statutes is amended to read:

23 48.685 (6) (a) The department shall require any person who applies for
24 issuance, ~~continuation, or renewal~~ of a license to operate an entity, the department
25 in a county having a population of 500,000 or more, a county department, or an

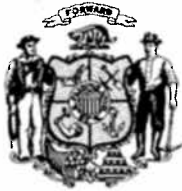
1 agency contracted with under s. 48.651 (2) shall require any child care provider who
2 applies for initial certification under s. 48.651 ~~or for renewal of that certification~~, a
3 county department or a child welfare agency shall require any person who applies
4 for issuance ~~or renewal~~ of a license to operate a foster home under s. 48.62, the
5 department in a county having a population of 750,000 or more or a county
6 department shall require any person who applies for subsidized guardianship
7 payments under s. 48.623 (6), and a school board shall require any person who
8 proposes to contract with the school board under s. 120.13 (14) ~~or to renew a contract~~
9 ~~under that subsection~~, to complete a background information form that is provided
10 by the department.

11 (END)

Malaise, Gordon

From: Major, Katrina L - DOA <Katrina.Major@wisconsin.gov>
Sent: Thursday, November 15, 2012 10:29 AM
To: Malaise, Gordon
Cc: Kraus, Jennifer - DOA
Subject: 0072/1

Hi Gordon,
Can you modify this draft to retain only the piece about fingerprinting?
Thanks,
k



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0072/1

GMM:kjf:jm 2

IN 11/15

RMR

DOA:.....Major, BB0185 - Criminal background checks

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

Don't Gen

1 AN ACT ...; relating to: the budget.

before the person may be
a caregiver or nonclient resident of
a child care provider. Currently,
(nsp)

before the person may receive such
a license or certification or may
enter into such a contract

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Current law requires a person who ~~has, or is seeking,~~ a license to operate a child care center, certification as a child care provider for purposes of reimbursement under the Wisconsin Works child care subsidy program (Wisconsin Shares), or a contract with a school board to operate a child care program (collectively, "child care provider") to undergo a criminal history and child abuse background investigation (background investigation) ~~every three months~~. Current law similarly requires a ~~caregiver or nonclient resident of a child care provider~~ to undergo a background investigation every year. This bill requires a child care provider to undergo a background investigation every year rather than every three months.

Current law permits DCF, a county department of human services or social services, an agency contracted to certify child care providers for purposes of Wisconsin Shares, or a school board (collectively, "licensing, certifying, or contracting agency") to require a person who is the subject of a background investigation to be fingerprinted if the person is not a resident of this state or has not been a resident of this state at any time within the three years preceding the date of the investigation. This bill requires a licensing, certifying or contracting agency to fingerprint a child care provider or an adult nonclient resident or caregiver of a child care provider, if the child care provider is receiving, or wishes to receive,

to be fingerprinted

may be required

reimbursement under Wisconsin Shares, unless the person has previously been fingerprinted as required under the bill.

~~Current law requires a person who applies for issuance, renewal, or continuation of a license to operate any entity that provides care for children, who applies for certification as a child care provider for purposes of Wisconsin Shares or for renewal of such a certification, or who proposes to contract with a school board to operate a child care program or to renew such a contract to complete a background information form that is provided by DCF. This bill eliminates the requirement that a background information form be completed when a person applies for renewal or continuation of a license to operate an entity that provides care for children, renewal of a certification as a child care provider for purposes of Wisconsin Shares, or renewal of a contract with a school board to operate a child care program. Accordingly, under the bill a background information form must be completed only upon initial licensure, certification, or contracting.~~

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 48.685 (2) (br) of the statutes is created to read:

2 48.685 (2) (br) If the person who is the subject of a search under par. (am) or
3 (b) 1. has, or is seeking, a license to operate a child care center under s. 48.65,
4 certification as a child care provider under s. 48.651, or a contract under s. 120.13
5 (14) to operate a child care program, or is an adult nonclient resident or caregiver of
6 such an entity, and if the entity is receiving, or wishes to receive, reimbursement
7 under s. 49.155 for providing child care services, the department, county
8 department, agency contracted with under s. 48.651 (2), or school board shall require
9 the person to be fingerprinted on 2 fingerprint cards, each bearing a complete set of
10 the person's fingerprints, unless the person has previously been fingerprinted under
11 this paragraph. The department of justice may provide for the submission of the
12 fingerprint cards to the federal bureau of investigation for the purposes of verifying

1 the identity of the person fingerprinted and obtaining records of his or her criminal
2 arrests and convictions.

3 **SECTION 2.** 48.685 (3) (am) 1. of the statutes is amended to read:

4 48.685 (3) (am) 1. Every ~~3 months~~ year or at any time within that period that
5 the department, a county department, an agency contracted with under s. 48.651 (2),
6 or a school board considers appropriate, the department, county department,
7 contracted agency, or school board shall request the information specified in sub. (2)
8 (am) 1. to 5. and (ar) for all caregivers specified in sub. (1) (ag) 1. b. who are licensed
9 under s. 48.65 to operate a child care center, certified as a child care provider under
10 s. 48.651, or contracted under s. 120.13 (14) to operate a child care center. ~~Beginning~~
11 ~~on January 1, 2011, and annually after that,, for all persons who are nonclient~~
12 ~~residents of such a caregiver, and for all persons under 18 years of age, but not under~~
13 ~~12 years of age, who are caregivers specified in sub. (1) (ag) 1. a. of such a caregiver.~~

14 2m. Annually by January 1, the department shall submit a report to the
15 appropriate standing committees of the legislature under s. 13.172 (3) describing the
16 information collected under this subdivision, ~~specifically any information indicating~~
17 ~~that subd. 1. with respect to a caregiver specified in sub. (1) (ag) 1. b., specifically any~~
18 ~~information indicating that such a caregiver is ineligible under sub. (4m) (a) to be~~
19 licensed under s. 48.65 to operate a child care center, certified under s. 48.651 as a
20 child care provider, or contracted under s. 120.13 (14) to operate a child care center,
21 and describing any action taken in response to the receipt of information under this
22 ~~subdivision~~ subd. 1. indicating that such a caregiver is so ineligible.

23 **SECTION 3.** 48.685 (3) (am) 2. of the statutes is repealed.

24 **SECTION 4.** 48.685 (6) (a) of the statutes is amended to read:

48.685 (6) (a) The department shall require any person who applies for issuance, continuation, or renewal of a license to operate an entity, the department in a county having a population of 500,000 or more, a county department, or an agency contracted with under s. 48.651 (2) shall require any child care provider who applies for initial certification under s. 48.651 or for renewal of that certification, a county department or a child welfare agency shall require any person who applies for issuance or renewal of a license to operate a foster home under s. 48.62, the department in a county having a population of 750,000 or more or a county department shall require any person who applies for subsidized guardianship payments under s. 48.623 (6), and a school board shall require any person who proposes to contract with the school board under s. 120.13 (14) or to renew a contract under that subsection, to complete a background information form that is provided by the department.

(END)

Malaise, Gordon

From: Major, Katrina L - DOA <Katrina.Major@wisconsin.gov>
Sent: Friday, January 25, 2013 5:52 PM
To: Malaise, Gordon
Cc: Kraus, Jennifer - DOA
Subject: 0072

Hi Gordon, on the criminal history background checks draft can you please make the language about the two fingerprint cards less specific (to allow for digital fingerprints, etc). Can you also add language to this section and to the current law that allows DCF to require fingerprints that clarifies that they can charge the applicant a fee for this?

Thanks,

k



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0072/2

GMM:kjf:jf

DN 1128

NOTE

DOA:.....Major, BB0185 - Criminal background checks

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

Don't Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Current law requires a person who is seeking a license to operate a child care center, certification as a child care provider for purposes of reimbursement under the Wisconsin Works child care subsidy program (Wisconsin Shares), or a contract with a school board to operate a child care program (collectively, "child care provider") to undergo a criminal history and child abuse background investigation (background investigation) before the person may receive such a license or certification or may enter into such a contract. Current law similarly requires a person to undergo a background investigation before the person may be a caregiver or nonclient resident of a child care provider. Currently, a person who is the subject of a background investigation may be required to be fingerprinted if the person is not a resident of this state or has not been a resident of this state at any time within the three years preceding the date of the investigation.

This bill requires a child care provider or an adult nonclient resident or caregiver of a child care provider to be fingerprinted if the child care provider is receiving, or wishes to receive, reimbursement under Wisconsin Shares, unless the person has previously been fingerprinted as required under the bill.

no The bill also permits a person who is fingerprinted as part of a background investigation to be charged a fee for the fingerprinting.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

Insert
2-1

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

or by other technologies approved by law enforcement
~~and~~ agencies

SECTION 1. 48.685 (2) (br) of the statutes is created to read:

48.685 (2) (br) If the person who is the subject of a search under par. (am) or (b) 1. has, or is seeking, a license to operate a child care center under s. 48.65, certification as a child care provider under s. 48.651, or a contract under s. 120.13 (14) to operate a child care program, or is an adult nonclient resident or caregiver of such an entity, and if the entity is receiving, or wishes to receive, reimbursement under s. 49.155 for providing child care services, the department, county department, agency contracted with under s. 48.651 (2), or school board shall require the person to be fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints, unless the person has previously been fingerprinted under this paragraph. The department of justice may provide for the submission of the fingerprint cards to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining records of his or her criminal arrests and convictions.

or fingerprints by other technologies

(END)

15

Insert
2-14

D-Note

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0072/3ins
GMM.....

(INSERT 2-1)

✓

1 **SECTION 1.** 48.685 (2) (bm) of the statutes is amended to read:

2 48.685 (2) (bm) If the person who is the subject of the search under par. (am),
3 (ar), or (b) 1. is not a resident of this state, or if at any time within the 3 years
4 preceding the date of the search that person has not been a resident of this state, or
5 if the department, county department, agency contracted with under s. 48.651 (2),
6 child welfare agency, school board, or entity determines that the person's
7 employment, licensing, or state court records provide a reasonable basis for further
8 investigation, the department, county department, contracted agency, child welfare
9 agency, school board, or entity shall make a good faith effort to obtain from any state
10 or other United States jurisdiction in which the person is a resident or was a resident
11 within the 3 years preceding the date of the search information that is equivalent to
12 the information specified in par. (am) 1., (ar), or (b) 1. a. The department, county
13 department, contracted agency, child welfare agency, school board, or entity may
14 require the person to be fingerprinted on 2 fingerprint cards, each bearing a complete
15 set of the person's fingerprints, or by other technologies approved by law enforcement
16 agencies. The department of justice may provide for the submission of the
17 fingerprint cards or fingerprints by other technologies to the federal bureau of
18 investigation for the purposes of verifying the identity of the person fingerprinted
19 and obtaining records of his or her criminal arrests and convictions.

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2003 a. 321; 2005 a. 149, 184, 277; 2007 a. 20 ss. 1346 to 1358, 9121 (6) (a); 2007 a. 97, 111, 116, 130, 153; 2009 a. 28, 76, 94, 185; 2011 a. 32, 35, 87, 258; s. 13.92 (2) (i).

(END OF INSERT)

(INSERT 2-14)

✓

20 **SECTION 2.** 48.685 (8) of the statutes is amended to read:

119

1 48.685 (8) The department, the department of health services, a county
2 department, an agency contracted with under s. 48.651 (2), a child welfare agency,
3 or a school board may charge a fee for obtaining the information required under sub.
4 (2) (am) [↓] (ar) [↓] or (3) (a) or (am) ~~or~~, for providing information to an entity to enable the
5 entity to comply with sub. (2) (b) 1. or (3) (b), or for obtaining fingerprints under sub.
6 (2) (bm) [✓] or (br) [✓]. The fee may not exceed the reasonable cost of obtaining the
7 information or fingerprints. No fee may be charged to a nurse aide, as defined in s.
8 146.40 (1) (d), for obtaining or maintaining information or fingerprints if to do so
9 would be inconsistent with federal law.

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2003 a. 321; 2005 a. 149, 184, 277; 2007 a. 20 ss. 1346 to 1358, 9121 (6) (a); 2007 a. 97, 111, 116, 130, 153; 2009 a. 28, 76, 94, 185; 2011 a. 32, 35, 87, 258; s. 13.92 (2) (i).

(END OF INSERT)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0072/3dn

GMM...

Date

Katie:

There are also fingerprinting requirements in s. 48.07 (5) (b) 2. relating to CASA volunteers, s. 48.57 (3p) (d) relating to kinship care, and s. 50.065 (2) (bm), which is the DHS background check law that is parallel to the DCF background check law, s. 48.685. All of those fingerprinting requirements require fingerprinting on fingerprint cards and do not permit the use of other technologies. Do you want to amend those provisions as well so as to permit the use of other technologies or are they beyond the scope of this drafting request?

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0072/3dn
GMM:kjfjf

January 29, 2013

Katie:

There are also fingerprinting requirements in s. 48.07 (5) (b) 2. relating to CASA volunteers, s. 48.57 (3p) (d) relating to kinship care, and s. 50.065 (2) (bm), which is the DHS background check law that is parallel to the DCF background check law, s. 48.685. All of those fingerprinting requirements require fingerprinting on fingerprint cards and do not permit the use of other technologies. Do you want to amend those provisions as well so as to permit the use of other technologies or are they beyond the scope of this drafting request?

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.wisconsin.gov

Malaise, Gordon

From: Major, Katrina L - DOA <Katrina.Major@wisconsin.gov>
Sent: Wednesday, January 30, 2013 2:22 PM
To: Malaise, Gordon
Cc: Kraus, Jennifer - DOA
Subject: 0072

Hi Gordon, regarding your drafter's note on criminal background checks, can you please amend the other DCF provisions to permit the use of other technologies, but not the DHS provisions. Thanks



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0072/3

GMM:kjf:jf

IN 1130

DOA:.....Major, BB0185 - Criminal background checks

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

Don't Gen

1 AN ACT ...; relating to: the budget.

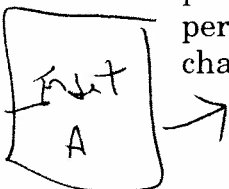
Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Current law requires a person who is seeking a license to operate a child care center, certification as a child care provider for purposes of reimbursement under the Wisconsin Works child care subsidy program (Wisconsin Shares), or a contract with a school board to operate a child care program (collectively, "child care provider") to undergo a criminal history and child abuse background investigation (background investigation) before the person may receive such a license or certification or may enter into such a contract. Current law similarly requires a person to undergo a background investigation before the person may be a caregiver or nonclient resident of a child care provider. Currently, a person who is the subject of a background investigation may be required to be fingerprinted if the person is not a resident of this state or has not been a resident of this state at any time within the three years preceding the date of the investigation.

This bill requires a child care provider or an adult nonclient resident or caregiver of a child care provider to be fingerprinted if the child care provider is receiving, or wishes to receive, reimbursement under Wisconsin Shares, unless the person has previously been fingerprinted as required under the bill. The bill also permits a person who is fingerprinted as part of a background investigation to be charged a fee for the fingerprinting.



For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

Insert
2-1
→

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 48.685 (2) (bm) of the statutes is amended to read:

2 48.685 (2) (bm) If the person who is the subject of the search under par. (am),
3 (ar), or (b) 1. is not a resident of this state, or if at any time within the 3 years
4 preceding the date of the search that person has not been a resident of this state, or
5 if the department, county department, agency contracted with under s. 48.651 (2),
6 child welfare agency, school board, or entity determines that the person's
7 employment, licensing, or state court records provide a reasonable basis for further
8 investigation, the department, county department, contracted agency, child welfare
9 agency, school board, or entity shall make a good faith effort to obtain from any state
10 or other United States jurisdiction in which the person is a resident or was a resident
11 within the 3 years preceding the date of the search information that is equivalent to
12 the information specified in par. (am) 1., (ar), or (b) 1. a. The department, county
13 department, contracted agency, child welfare agency, school board, or entity may
14 require the person to be fingerprinted on 2 fingerprint cards, each bearing a complete
15 set of the person's fingerprints, or by other technologies approved by law enforcement
16 agencies. The department of justice may provide for the submission of the
17 fingerprint cards or fingerprints by other technologies to the federal bureau of
18 investigation for the purposes of verifying the identity of the person fingerprinted
19 and obtaining records of his or her criminal arrests and convictions.

20 **SECTION 2.** 48.685 (2) (br) of the statutes is created to read:

1 48.685 (2) (br) If the person who is the subject of a search under par. (am) or
2 (b) 1. has, or is seeking, a license to operate a child care center under s. 48.65,
3 certification as a child care provider under s. 48.651, or a contract under s. 120.13
4 (14) to operate a child care program, or is an adult nonclient resident or caregiver of
5 such an entity, and if the entity is receiving, or wishes to receive, reimbursement
6 under s. 49.155 for providing child care services, the department, county
7 department, agency contracted with under s. 48.651 (2), or school board shall require
8 the person to be fingerprinted on 2 fingerprint cards, each bearing a complete set of
9 the person's fingerprints, or by other technologies approved by law enforcement
10 agencies, unless the person has previously been fingerprinted under this paragraph.
11 The department of justice may provide for the submission of the fingerprint cards or
12 fingerprints by other technologies to the federal bureau of investigation for the
13 purposes of verifying the identity of the person fingerprinted and obtaining records
14 of his or her criminal arrests and convictions.

15 **SECTION 3.** 48.685 (8) of the statutes is amended to read:

16 48.685 (8) The department, the department of health services, a county
17 department, an agency contracted with under s. 48.651 (2), a child welfare agency,
18 or a school board may charge a fee for obtaining the information required under sub.
19 (2) (am), or (ar), or (3) (a) or (am) ~~or~~, for providing information to an entity to enable
20 the entity to comply with sub. (2) (b) 1. or (3) (b), or for obtaining fingerprints under
21 sub. (2) (bm) or (br). The fee may not exceed the reasonable cost of obtaining the
22 information or fingerprints. No fee may be charged to a nurse aide, as defined in s.
23 146.40 (1) (d), for obtaining or maintaining information or fingerprints if to do so
24 would be inconsistent with federal law.

25 (END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0072/4ins
GMM.....

(INSERT 2-1)

✓
SECTION 1. 48.07 (5) (b) 2. of the statutes is amended to read:

48.07 (5) (b) 2. On receipt of an application from a prospective court-appointed special advocate, the court-appointed special advocate program, with the assistance of the department of justice, shall conduct a background investigation of the applicant. If the court-appointed special advocate program determines that any information obtained as a result of the background investigation provides a reasonable basis for further investigation, the court-appointed special advocate program may require the applicant to be fingerprinted on 2 fingerprint cards, each bearing a complete set of the applicant's fingerprints, or by other technologies approved by law enforcement agencies. The department of justice may provide for the submission of the fingerprint cards or fingerprints by other technologies to the federal bureau of investigation for the purposes of verifying the identification of the applicant and obtaining the applicant's criminal arrest and conviction record. The court-appointed special advocate program shall keep confidential all information received from the department of justice and the federal bureau of investigation under this subdivision.

History: 1975 c. 39; 1977 c. 271, 354, 447; 1979 c. 34; 1981 c. 314 s. 146; 1983 a. 27 s. 2202 (20); 1985 a. 176; 1989 a. 31, 107; 1993 a. 446; 1995 a. 27, 77; 1997 a. 27, 292; 1999 a. 149.

✓
SECTION 2. 48.57 (3p) (d) of the statutes is amended to read:

48.57 (3p) (d) If the person being investigated under par. (b) or (c) is a nonresident, or at any time within the 5 years preceding the date of the application has been a nonresident, or if the county department or, in a county having a population of 500,000 or more, the department determines that the person's employment, licensing or state court records provide a reasonable basis for further investigation, the county department or department shall require the person to be

1 fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's
2 fingerprints, or by other technologies approved by law enforcement agencies. The
3 department of justice may provide for the submission of the fingerprint cards or
4 fingerprints by other technologies to the federal bureau of investigation for the
5 purposes of verifying the identity of the person fingerprinted and obtaining records
6 of his or her criminal arrest and conviction.

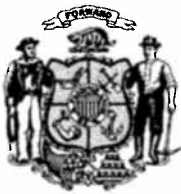
History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292; 1999 a. 9, 103, 133, 162; 2001 a. 16 ss. 1629, 4036-4038, 4040, 4042, 4043; 2001 a. 38, 59, 69, 109; 2005 a. 25, 232, 293; 2007 a. 20; 2009 a. 28, 71, 94, 180; 2011 a. 32.

(END OF INSERT)

(INSERT A)

Current law requires a person who may be required to be fingerprinted under the Children's Code, specifically, a person required to undergo a background investigation, a prospective court-appointed special advocate, and a person applying for kinship care payments, to be fingerprinted on two fingerprint cards. This bill permits those individuals, together with an individual who is required to be fingerprinted under the bill, to be fingerprinted on two fingerprint cards or by other technologies approved by law enforcement agencies.

(END OF INSERT)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0072/4
GMM:kjf:jf

DOA:.....Major, BB0185 – Criminal background checks

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Current law requires a person who is seeking a license to operate a child care center, certification as a child care provider for purposes of reimbursement under the Wisconsin Works child care subsidy program (Wisconsin Shares), or a contract with a school board to operate a child care program (collectively, “child care provider”) to undergo a criminal history and child abuse background investigation (background investigation) before the person may receive such a license or certification or may enter into such a contract. Current law similarly requires a person to undergo a background investigation before the person may be a caregiver or nonclient resident of a child care provider. Currently, a person who is the subject of a background investigation may be required to be fingerprinted if the person is not a resident of this state or has not been a resident of this state at any time within the three years preceding the date of the investigation.

This bill requires a child care provider or an adult nonclient resident or caregiver of a child care provider to be fingerprinted if the child care provider is receiving, or wishes to receive, reimbursement under Wisconsin Shares, unless the person has previously been fingerprinted as required under the bill. The bill also permits a person who is fingerprinted as part of a background investigation to be charged a fee for the fingerprinting.

Current law requires a person who may be required to be fingerprinted under the Children's Code, specifically, a person required to undergo a background investigation, a prospective court-appointed special advocate, and a person applying for kinship care payments, to be fingerprinted on two fingerprint cards. This bill permits those individuals, together with an individual who is required to be fingerprinted under the bill, to be fingerprinted on two fingerprint cards or by other technologies approved by law enforcement agencies.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 48.07 (5) (b) 2. of the statutes is amended to read:

2 48.07 (5) (b) 2. On receipt of an application from a prospective court-appointed
3 special advocate, the court-appointed special advocate program, with the assistance
4 of the department of justice, shall conduct a background investigation of the
5 applicant. If the court-appointed special advocate program determines that any
6 information obtained as a result of the background investigation provides a
7 reasonable basis for further investigation, the court-appointed special advocate
8 program may require the applicant to be fingerprinted on 2 fingerprint cards, each
9 bearing a complete set of the applicant's fingerprints, or by other technologies
10 approved by law enforcement agencies. The department of justice may provide for
11 the submission of the fingerprint cards or fingerprints by other technologies to the
12 federal bureau of investigation for the purposes of verifying the identification of the
13 applicant and obtaining the applicant's criminal arrest and conviction record. The
14 court-appointed special advocate program shall keep confidential all information
15 received from the department of justice and the federal bureau of investigation under
16 this subdivision.

17 **SECTION 2.** 48.57 (3p) (d) of the statutes is amended to read:

1 48.57 (3p) (d) If the person being investigated under par. (b) or (c) is a
2 nonresident, or at any time within the 5 years preceding the date of the application
3 has been a nonresident, or if the county department or, in a county having a
4 population of 500,000 or more, the department determines that the person's
5 employment, licensing or state court records provide a reasonable basis for further
6 investigation, the county department or department shall require the person to be
7 fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's
8 fingerprints, or by other technologies approved by law enforcement agencies. The
9 department of justice may provide for the submission of the fingerprint cards or
10 fingerprints by other technologies to the federal bureau of investigation for the
11 purposes of verifying the identity of the person fingerprinted and obtaining records
12 of his or her criminal arrest and conviction.

13 **SECTION 3.** 48.685 (2) (bm) of the statutes is amended to read:

14 48.685 (2) (bm) If the person who is the subject of the search under par. (am),
15 (ar), or (b) 1. is not a resident of this state, or if at any time within the 3 years
16 preceding the date of the search that person has not been a resident of this state, or
17 if the department, county department, agency contracted with under s. 48.651 (2),
18 child welfare agency, school board, or entity determines that the person's
19 employment, licensing, or state court records provide a reasonable basis for further
20 investigation, the department, county department, contracted agency, child welfare
21 agency, school board, or entity shall make a good faith effort to obtain from any state
22 or other United States jurisdiction in which the person is a resident or was a resident
23 within the 3 years preceding the date of the search information that is equivalent to
24 the information specified in par. (am) 1., (ar), or (b) 1. a. The department, county
25 department, contracted agency, child welfare agency, school board, or entity may

1 require the person to be fingerprinted on 2 fingerprint cards, each bearing a complete
2 set of the person's fingerprints, or by other technologies approved by law enforcement
3 agencies. The department of justice may provide for the submission of the
4 fingerprint cards or fingerprints by other technologies to the federal bureau of
5 investigation for the purposes of verifying the identity of the person fingerprinted
6 and obtaining records of his or her criminal arrests and convictions.

7 **SECTION 4.** 48.685 (2) (br) of the statutes is created to read:

8 48.685 (2) (br) If the person who is the subject of a search under par. (am) or
9 (b) 1. has, or is seeking, a license to operate a child care center under s. 48.65,
10 certification as a child care provider under s. 48.651, or a contract under s. 120.13
11 (14) to operate a child care program, or is an adult nonclient resident or caregiver of
12 such an entity, and if the entity is receiving, or wishes to receive, reimbursement
13 under s. 49.155 for providing child care services, the department, county
14 department, agency contracted with under s. 48.651 (2), or school board shall require
15 the person to be fingerprinted on 2 fingerprint cards, each bearing a complete set of
16 the person's fingerprints, or by other technologies approved by law enforcement
17 agencies, unless the person has previously been fingerprinted under this paragraph.
18 The department of justice may provide for the submission of the fingerprint cards or
19 fingerprints by other technologies to the federal bureau of investigation for the
20 purposes of verifying the identity of the person fingerprinted and obtaining records
21 of his or her criminal arrests and convictions.

22 **SECTION 5.** 48.685 (8) of the statutes is amended to read:

23 48.685 (8) The department, the department of health services, a county
24 department, an agency contracted with under s. 48.651 (2), a child welfare agency,
25 or a school board may charge a fee for obtaining the information required under sub.

1 (2) (am), or (ar), or (3) (a) or (am) ~~or~~, for providing information to an entity to enable
2 the entity to comply with sub. (2) (b) 1. or (3) (b), or for obtaining fingerprints under
3 sub. (2) (bm) or (br). The fee may not exceed the reasonable cost of obtaining the
4 information or fingerprints. No fee may be charged to a nurse aide, as defined in s.
5 146.40 (1) (d), for obtaining or maintaining information or fingerprints if to do so
6 would be inconsistent with federal law.

7 (END)